

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LUXURY LEASE COMPANY,

Plaintiff,

- against -

31 S. 2<sup>ND</sup> JIG AND JUSTIN WOLK,

Defendants.

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JOHN G. KOELTL, District Judge:

19-cv-1952 (JGK) (KNF)

MEMORANDUM OPINION  
AND ORDER

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The plaintiff, Luxury Lease Company ("LLC"), commenced this action against the defendants, 31 S. 2<sup>nd</sup> JIG and Justin Wolk, seeking damages for breach of contract and conversion. At all stages of this proceeding, the defendants have failed to appear, answer, or otherwise respond to either the Complaint or to court orders. After this Court determined that a default judgment should be issued in favor of LLC, the case was referred to Magistrate Judge Fox for an inquest on damages. ECF Nos. 30, 31.

On November 5, 2020, Magistrate Judge Fox issued a Report and Recommendation, recommending that no damages be awarded, because the plaintiff had failed to satisfy its burden of demonstrating contractual damages to a reasonable certainty, in part for failing to demonstrate defendant Wolk's liability and failing to provide sufficient legal and evidentiary support for its requested damages. ECF No. 36.

After the plaintiff filed an objection, ECF No. 37, this Court remanded the matter back to the Magistrate Judge to grant the plaintiff an opportunity to cure the deficiencies identified by Magistrate Judge Fox, by filing a revised submission, supported by accompanying exhibits and affidavits. ECF No. 39. The plaintiff then had an opportunity to make a revised submission, which the plaintiff did. ECF Nos. 41, 42.

On April 26, 2021, Magistrate Judge Fox issued a thorough Report and Recommendation ("April 26 Report"), finding that the plaintiff had provided sufficient supplemental evidence to establish defendant Wolk's liability for breach of contract, and recommending that the plaintiff be awarded damages in the amount of \$55,996.55. ECF No. 43. In reaching the recommended award amount, Magistrate Judge Fox carefully examined the submitted lease agreement and the submitted evidence. In the April 26 Report, Magistrate Judge Fox found that the plaintiff had failed to support its request for damages in the amount of \$86,802.69, and instead had only provided sufficient, evidentiary support to substantiate damages of \$55,996.55. ECF No. 43.

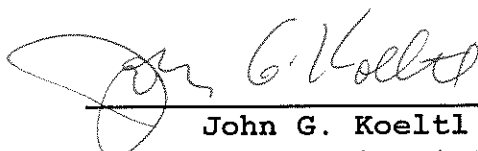
No objections were filed and the time for filing Objections has now passed. In any event, the Court finds that the April 26 Report is well-reasoned and should be adopted.

### CONCLUSION

The Clerk is directed to enter Judgment in favor of the plaintiff and against the defendants, jointly and severally, in the amount of \$55,996.55. The Clerk is also directed to close this case and to close all pending motions.

SO ORDERED.

Dated: New York, New York  
May 17, 2021

  
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John G. Koeltl  
United States District Judge